

Emily Johnson Henn (State Bar No. 269482)
COVINGTON & BURLING LLP
333 Twin Dolphin Dr., Suite 700
Redwood Shores, CA 94065
Telephone: (650) 632-4700
Facsimile: (650) 632-4800
ehenn@cov.com

Attorneys for Defendants
Expedia, Inc. and Hotels.com LP

[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DAVID PIENING and
EVELYN GONZALEZ, individually and
on behalf of others similarly situated,

Plaintiffs,

v.

EXPEDIA, INC., HOTELS.COM LP;
TRAVELOCITY.COM LP, SABRE
HOLDINGS CORPORATION,
PRICELINE.COM INCORPORATED,
BOOKING.COM B.V., BOOKING.COM
(USA), INC., ORBITZ WORLDWIDE,
INC., HILTON WORLDWIDE INC.,
STARWOOD HOTELS & RESORTS
WORLDWIDE, INC., MARRIOTT
INTERNATIONAL, INC., TRUMP
INTERNATIONAL HOTELS
MANAGEMENT, LLC, KIMPTON
HOTEL & RESTAURANT GROUP, LLC,
INTERCONTINENTAL HOTELS
GROUP RESOURCES, INC., and JOHN
DOES 1-100

Defendants.

Civil Case No.: 12-cv-4805

CLASS ACTION

STIPULATION AND ORDER

**STIPULATION EXTENDING TIME TO APPEAR, ANSWER, MOVE OR
OTHERWISE RESPOND AND FOR STAY OF PROCEEDINGS**

WHEREAS, Plaintiff filed the Complaint in this litigation on September 13, 2012;

1 WHEREAS, all of the Defendants have agreed to waive service of the complaint;

2 WHEREAS, a number of duplicative complaints have been filed nationwide;

3 WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed
4 before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate
5 all of the actions in one court;

6 WHEREAS, Plaintiff and Defendants Hotels.com LP, Travelocity.com LP, Expedia,
7 Inc., Priceline.com Incorporated, Booking.com B.V., Booking.com (USA), Inc., Sabre Holdings
8 Corporation, Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts
9 Worldwide, Inc., Trump International Hotels Management, LLC, Marriott International, Inc.,
10 InterContinental Hotels Group Resources, Inc., and Kimpton Hotel & Restaurant Group, LLC
11 (collectively “Defendants”) expect that all of the actions will be coordinated and/or consolidated
12 before one court;

13 WHEREAS, Plaintiff and Defendants wish to preserve the parties’ and the court’s
14 resources and efficiently manage the litigation so as not to cause prejudice;

15 NOW THEREFORE, the parties agree as follows:

16 1. Defendants will not be required to answer or otherwise plead in response to the
17 Complaint until 60 days after a consolidated amended complaint is filed in a transferee court.
18 Plaintiffs will file their opposition to any motion to dismiss, if filed, within 60 days thereafter.
19 In the event that the Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied,
20 the parties will confer within seven (7) days of the JPML’s order regarding the due date for
21 responsive pleadings in this action. No discovery shall be served in the above-styled matter
22 while this stipulation is in effect.

23 2. Defendants agree that they will seek this same stipulation in any related action
24 and, if they are unable to reach agreement, will file a motion to stay any related action before
25 filing a responsive pleading in those related actions.

26 3. In the event that Defendants voluntarily file or are ordered to file a responsive
27 pleading in any other related action prior to the JPML’s decision, Defendants agree that this
28

1 stipulation will become void and in that event, all of the parties agree to negotiate in good faith
2 regarding a responsive pleading date.

3 4. Defendants agree that they will engage in a conference pursuant to Fed. R. Civ.
4 P. 26(f) with Plaintiff within 14 days of appointment of lead counsel for the Plaintiffs in the
5 transferee court.

6 Dated: September 25, 2012

7
8 FOR PLAINTIFF:

9 By: /s/ Yvonne Ballesteros
10 Yvonne Ballesteros
11 PRICE WAICUKAUSKI & RILEY, LLC
12 301 Massachusetts Avenue
13 Indianapolis, IN 46204
Telephone: (317) 633-8787
Facsimile: (317) 633-8797
wriley@price-law.com
yballesteros@price-law.com

14 Attorneys for Plaintiffs
15 *David Piening and Evelyn Gonzalez*

FOR DEFENDANTS:

By: /s/ Emily Johnson Henn
Emily Johnson Henn (SBN 269482)
COVINGTON & BURLING LLP
333 Twin Dolphin Dr., Suite 700
Redwood Shores, CA 94065
Telephone: (650) 632-4700
Facsimile: (650) 632-4800
ehenn@cov.com

Attorneys for Defendants
Expedia, Inc. and Hotels.com LP

16 By: /s/ Timothy T. Scott
17 Timothy T. Scott
18 Leo Spooner III
19 KING & SPALDING LLP
20 333 Twin Dolphin Drive, Suite 400
Redwood Shores, CA 94065
Telephone: (650) 590-0700
Facsimile: (650) 590-1900
tscott@kslaw.com
lspooner@kslaw.com

21 Jeffrey S. Cashdan
22 Christine A. Hopkinson
23 Sarah E. Statz
24 KING & SPALDING LLP
25 1180 Peachtree Street, N.E.
26 Atlanta, GA 30309
Telephone: (404) 572-4600
Facsimile: (404) 572-5100
jcashdan@kslaw.com
chopkinson@kslaw.com
sstatz@kslaw.com

27 Attorneys for Defendant
28 *InterContinental Hotels Group
Resources, Inc.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Marie L. Fiala
Marie L. Fiala
Ryan M. Sandrock
SIDLEY AUSTIN LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400
mfiala@sidley.com
rsandrock@sidley.com

Attorneys for Defendant
Kimpton Hotel & Restaurant Group, LLC

By: /s/ Christopher J. Kelly
Christopher J. Kelly (SBN 276312)
MAYER BROWN LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
Telephone: (650) 331-2000
Facsimile: (650) 331-2061
cjkelly@mayerbrown.com

Robert E. Bloch
Richard Ben-Veniste
MAYER BROWN LLP
1999 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 263-3203
Facsimile: (202) 263-5203
rbloch@mayerbrown.com
rben-veniste@mayerbrown.com

Attorneys for Defendants
Starwood Hotels & Resorts Worldwide, Inc.

By: /s/ Kevin J. Arquit
Kevin J. Arquit
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (212) 455-2000
Facsimile: (212) 455-2502
karquit@stblaw.com

Attorneys for Defendants
*Priceline.com Incorporated,
Booking.com (USA), Inc. and
Booking.com B.V.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Christopher S. Yates
Christopher S. Yates
Daniel M. Wall
Brendan A. McShane
Jason L. Daniels
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
chris.yates@lw.com
dan.wall@lw.com
brendan.mcshane@lw.com
jason.daniels@lw.com

Attorneys for Defendant
Orbitz Worldwide, Inc.

By: /s/ George S. Cary
George S. Cary
Steven J. Kaiser
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
2000 Pennsylvania Avenue, NW
Washington, D.C. 20006
New York, NY 10017
Telephone: (212) 974-1554
Facsimile: (212) 974-1999
gcary@cgsh.com
skaiser@cgsh.com

Attorneys for Defendants
Travelocity.com LP and Sabre Holdings Corporation

By: /s/ Francis J. Burke, Jr.
Francis J. Burke, Jr.
Seyfarth Shaw LLP
One Century Plaza
2029 Century Park East, Suite 3500
Los Angeles, CA 90067-3021
Telephone: (310) 201-5214
Facsimile: (310) 282-6993
fburke@seyfarth.com

Attorney for Defendant
Trump International Hotels Management, LLC

By: /s/ Steven A. Newborn
Steven A. Newborn
Carrie M. Anderson
Daniel E. Antalics
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W., Suite 900
Washington, D.C. 20005
Telephone: (202) 682-7000
Facsimile: (202) 857-0940
steven.newborn@weil.com

Of Counsel:
James C. Egan, Jr.

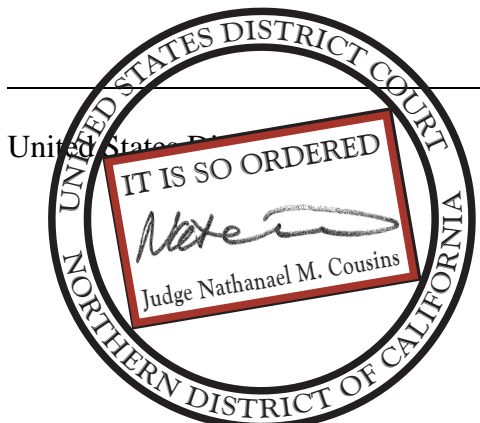
Attorneys for Defendant
Hilton Worldwide, Inc.

By: /s/ Jeffrey Kilduff
Jeffrey Kilduff
Ian T. Simmons
Katrina M. Robson
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
Jkilduff@omm.com
isimmons@omm.com
krobson@omm.com

Attorneys for Defendant
Marriott International Inc.

ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from all signatories.

IT IS SO ORDERED:



CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2012, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Emily Johnson Henn
Emily Johnson Henn